

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ERWIN MUNOZ,

Defendant.

8:16CR173

**PRELIMINARY ORDER OF  
FORFEITURE**

This matter is before the Court on the United States' Motion for Preliminary Order of Forfeiture (Filing No. 134). The Court has carefully reviewed the record in this case and finds as follows:

1. The Defendant Erwin Munoz has entered into a Plea Agreement (Filing No. 125), whereby he has agreed to enter a plea of guilty to Counts I and II and admits the Forfeiture Allegation of the Information. Count I of the Information charged Erwin Munoz with conspiracy to distribute 500 grams or more of methamphetamine, in violation of 21 U.S.C. § 846. Count II of the Information charged the defendant with using the mail or a facility of interstate or foreign commerce to carry on unlawful activity, in violation of 18 U.S.C. §§ 1952(a)(1) and (a)(3) and 18 U.S.C. § 2. The Forfeiture Allegation in the Information sought the forfeiture, pursuant to 21 U.S.C. § 853, of all United States currency seized from Edwin Munoz on the basis it was used or was intended to be used to facilitate the controlled-substance violations alleged and/or was derived from proceeds obtained directly or indirectly as a result of the controlled-substance violation.

2. By virtue of his plea and admission, Erwin Munoz forfeits his interest in the \$4,614.00 in United States currency seized from him, and the United States should be entitled to possession of that currency, pursuant to 21 U.S.C. § 853.

3. The United States' Motion for Preliminary Order of Forfeiture should be granted.

IT IS ORDERED:

1. The United States' Motion for Preliminary Order of Forfeiture is hereby granted.
2. Based upon the Forfeiture Allegation of the Information and Erwin Munoz's plea of guilty, the United States is hereby authorized to seize the \$4,614.00 in United States currency.
3. Erwin Munoz's interest in the \$4,614.00 in United States currency is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).
4. The aforementioned currency is to be held by the United States in its secure custody and control.
5. Pursuant to 21 U.S.C. § 853(n)(1), the United States forthwith shall publish for at least thirty consecutive days on an official internet government forfeiture site, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Order, notice of publication evidencing the United States' intent to dispose of the currency in such manner as the Attorney General may direct, and notice that any person, other than the Erwin Munoz, having or claiming a legal interest in any of the subject currency must file a Petition with the court within thirty-five days of the final publication of notice or of receipt of actual notice, whichever is earlier.
6. The published notice shall state the Petition referred to in Paragraph 5 above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the currency, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title or interest in

the subject currency and any additional facts supporting the Petitioner's claim and the relief sought.

7. The United States may also, to the extent practicable, provide direct written notice to any person known to have an interest in the currency subject to this Order as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

DATED this 24th day of April, 2017.

BY THE COURT:

*s/ Robert F. Rossiter, Jr.*  
United States District Judge